

## MICHIGAN HISTORICAL MARKERS ACT (EXCERPT)

Act 10 of 1955

### **399.157 Official Michigan historical marker; property; control; ownership; transfer without permission prohibited; stolen or damaged marker; recovery.**

Sec. 7. (1) An official Michigan historical marker approved by the department and the commission is the property of the state of Michigan and is subject to the exclusive control of the department, whether erected on public or private property. In addition to other text on the marker, each marker shall include the conspicuous statement "property of the state of Michigan".

(2) The department shall not abandon an official Michigan historical marker. In all legal proceedings, in this state or elsewhere, there shall be an irrebuttable presumption against abandonment of the state of Michigan's ownership of an official Michigan historical marker.

(3) A person or agency in possession of a historic resource or site where an official Michigan historical marker is displayed shall not attempt to convey, sell, or otherwise transfer the marker. A conveyance, sale, or transfer is void unless made pursuant to written permission from the department.

(4) Upon discovering that an official Michigan historical marker may have been stolen or otherwise improperly or unlawfully removed from the historic resource or site where it was placed, the department, with advice and assistance from the attorney general, may commence an action, in this state or elsewhere, to recover the marker.

(5) Upon discovering that an official Michigan historical marker has been marred, vandalized, or otherwise damaged, the department, with advice and assistance from the attorney general, may commence an action, in this state or elsewhere, to recover the actual replacement cost of the marker, plus taxable costs, reasonable attorney fees, and interest calculated under section 6013 of the revised judicature act of 1961, 1961 PA 236, MCL 600.6013. Revenue received under this subsection shall be deposited in the historical marker fund created in section 9.

**History:** Add. 2002, Act 488, Imd. Eff. June 28, 2002.

**Compiler's note:** For transfer of powers and duties relating to promotion of history and the preservation of the state's historical resources to the department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.